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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q58987

Hwa Kyung LEE, et al.

Appln. No.: 09/453,918

Group Art Unit: 2154

Confirmation No.: 1307

Examiner: KENNY S. LIN

Filed: April 27, 2000

For: METHOD FOR EXECUTING AN OBJECT IN A WIRELESS INTERNET
ACCESS TERMINAL

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated January 4, 2005. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 2-14 are pending in the application and are all finally rejected.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether the subject matter of claims 4, 8, 10, 11, and 14 would have been obvious, within the meaning of 35 U.S.C. § 103(a), over Kotola (U.S. Patent No.: 6,321,257) in view of Kraft (U.S. Patent No.: 6,487,424).

2. Whether the subject matter of claims 2, 3, 9, 12 would have been obvious, within the meaning of 35 U.S.C. § 103(a), over Kotola and Kraft, and further in view of Tuoriniemi (U.S. Patent No.: 6,470,197).

3. Whether the subject matter of claims 5-7 would have been obvious, within the meaning of 35 U.S.C. § 103(a), over Kotola and Kraft, and further in view of Mitchell (U.S. Patent No.: 5,966,671).

ARGUMENT

As a preliminary matter, on page 2 of the Examiner's Answer, the Examiner states, "The rejection of claims 2-14 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 C.F.R. § 1.192(c)(7)." In response, Appellants respectfully submit that claims 2-14 do not necessarily stand or fall together, and that the Examiner is relying on an inapplicable portion of the Code of Federal Regulations, as the Appeal Brief was filed under 37 C.F.R. § 41.37, which does not require a statement of whether certain claims stand or fall together, and reasons in support thereof.

In the *Response to Arguments* section of the Examiner's Answer, the Examiner repeats many of the same arguments set forth previously during the prosecution of the present application, and adds a few new arguments. In response, Appellants maintain that the present invention, as claimed, is patentable over the applied references, either alone or in combination, at least based on the previously submitted arguments and the arguments set forth below.

- I. Neither Kotola nor Kraft, either alone or in combination, teaches or suggests at least "interpreting data inputted through the internet and displaying the inputted data on a screen of the wireless internet access terminal, said data including plural objects that are each linked to predetermined resource access location (URL) information."*

In response to Appellants previously submitted argument that neither Kotola nor Kraft teaches or suggests at least, "interpreting data inputted through the internet and displaying the inputted data on a screen of the wireless internet access terminal, said data including plural objects that are each linked to predetermined resource access location (URL) information," as

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recited in claim 4, the Examiner alleges the following (see paragraph bridging pages 12 and 13 of Examiner's Answer):

In Reply to argument (1): Appellants incorrectly pointed out that the response to the SMS request is merely a text message. Kotola teaches the short message to comprise data including plural objects (col. 3, lines 24-32, col. 7, lines 8-51, 66-67, col. 8, lines 1-33, 64-67, col. 9, lines 1-10). Kotola not only teaches that the short messages can store plural objects that are text messages (col. 8, lines 1-5), but also that the short messages can contain objects such as identifiers and keywords that link to WWW pages (col. 3, lines 24-32, col. 7, lines 38-51) or objects in HTML format (i.e., HTML tag) of a WWW page content (col. 7, lines 38-51, 66-67, col. 8, lines 1-33, 4-67, col. 9, lines 1-10; HTML tag format objects) where the objects may each link to a predetermined resource access location information (WWW pages). Kotola taught the limitation of interpreting data inputted through the internet and displaying the inputted data (col. 2, lines 32-37 states converting a relevant part of the content of WWW page into a short message where the inputted data is a short message format of the WWW page; i.e., interpreting data inputted through the internet; col. 3, lines 17-32, 59-65 further stated obtaining data from WWW page; col. 8, lines 64-67, col. 9, lines 1-10) on a screen of the wireless internet access terminal (col. 2, lines 32-37; displaying the contents on the display of the mobile station where the content is a short message format of the WWW page; e.g., displaying inputted data on screen of wireless internet access terminal), said data including plural objects (short message format of the WWW page includes text, keywords, identifiers and/or HTML format of the WWW page; col. 3, lines 24-32, col. 8, lines 64-67, col. 9, lines 1-10) that are each linked to predetermined resource access location information (col. 3, lines 24-32 stated that short message containing keywords and identifiers linking WWW pages, col. 7, lines 4-14). Furthermore, Kotola specifically teach to use URL addresses to directly indicate requested WWW pages (col. 3, lines 17-21; ... a mobile user sends to the service center a short message including an identifier for directly or indirectly indicating said WWW page. Direct indication includes e.g., the address of the WWW page, URL).

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In response, Appellants maintain that, in Kotola, the information that is returned in response to the SMS request for a WWW page and then displayed, is merely a text message, contrary to the Examiner's allegation. That is, as the Examiner points out, the response to the SMS request in Kotola may have various formats (i.e., HTML tag identifiers, key words, identifiers), however even though there are various formats reflected in the responses, each of the various formats are only text based. That is, the responses to SMS requests, according to Kotola, are only discussed as being text, and are not described providing any other function such as a linking function. Thus, Appellants maintain that the applied references do not teach or suggest, "said data including plural objects that are each linked to predetermined resource access location (URL) information," as recited in claim 4. That is, as previously argued, even if, *assuming arguendo*, various formatted messages can be provided in response to an SMS request, in Kotola, the information in response to such request does not provide a link to a predetermined resource access location information. Merely providing a textual representation of a URL that corresponds to an internet location is NOT linking data to predetermined resource access location information, but is just identifying a particular location.

2. *Neither Kotola nor Kraft, either alone or in combination, teaches or suggests at least "displaying plural execution items sequentially one by one by displaying one of the plural execution items of the focused object on one screen and executing an execution item displayed on the present screen by inputs from a button."*

In response to Appellants argument that neither Kotola nor Kraft teaches or suggest, at least, "displaying plural execution items sequentially one by one by displaying one of the plural execution items of the focused object on one screen and executing an execution item displayed

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on the present screen by inputs from a button,” as recited in claim 4, the Examiner repeats many of the same previous arguments and adds the following new argument:

Although the display of execution items taught by Kraft is displaying on a second display part of the screen (dedicated a portion of the whole screen to display items, not separate displaying screen), it is still be displayed on the screen of the mobile station (mobile station contains only one screen). Hence, Kraft’s teaching reads on the claim language as claimed.

In response, it appears that the Examiner is focusing on the language of claim 4 that reads “on one screen.” However, the Examiner does not respond to the previously submitted arguments that plural execution items are NOT displayed sequentially one by one in the applied references, either alone or in combination. That is, none of the cited portions of Kraft nor any of the figures, including Fig. 5 (which is cited in the Examiner’s argument), even mention the display of plural execution items sequentially one by one.

3. *There is no reasonable suggestion or motivation, absent impermissible hindsight reasoning, to combine Kotola and Kraft in a manner that renders claim 4 obvious.*

Finally, the Examiner adds the following arguments, inter alia, on pages 15-16 of the present Examiner’s Answer, as follows:

In reply to argument (3): Appellants have mistakenly believed that the Examiner is relying on Kraft’s teaching of character entry in combination with Kotola’s method to overcome the claimed limitations. However, the Examiner merely relies on Kraft’s teaching of displaying items in combination with the teachings of Kotola’s method of displaying plural objects (keywords and identifiers) of data inputted through the internet (short message format of WWW page) on the screen of the wireless internet access terminal. Since Kotola already taught to display the received data (col. 2, lines 32-37, col. 3, lines 17-32, 59-65, col. 8, lines 64-67, col. 9, lines 1-10; a short message format of the WWW page including keywords and identifiers or in HTML format of the WWW page), Kraft reference is relied upon to reject

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the limitation of displaying such as displaying execution items in sequence and using single button. ...

In response, even if the Examiner relies on Krafts' teachings of displaying items in combination with the teachings of Kotola's method of displaying plural objects of data inputted through the internet on the screen of the wireless internet access terminal, Appellants maintain that, at best, the combination of Kotola and Kraft would still fail to teach or suggest each and every one of the features of claim 4, for example, at least based on the exemplary reasons set forth above and previously during prosecution of the present case.

Therefore, at least based on the foregoing, Appellants submit that the present invention, as recited in claim 4, is patentably distinguishable over Kotola and Kraft, either alone or in combination. Appellants submit that claims 8, 10, 11 and 14 are patentable at least by virtue of their dependency from claim 4, either directly or indirectly.

Appellants maintain that claim 2 is patentable for reasons similar to those set forth above with respect to claim 4. Appellants submit that dependent claims 3, 9, 12 and 13 are patentable at least by virtue of their respective indirect or direct dependencies from independent claims 2 and 4. Tuoriniemi does not make up for the deficiencies of Kotola and Kraft.

Yet further, Appellants maintain that claims 5-7 are patentable at least by virtue of their indirect or direct dependencies from independent claim 4. Mitchell does not make up for the deficiencies of Kotola and Kraft.

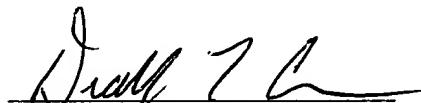
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CONCLUSION

At least based on the foregoing as well as the arguments submitted in the Appeal Brief, Appellants submit that the present invention, as recited in each of claims 2-14, is patentably distinguishable over the applied references.

For the above reasons as well as the reasons set forth in Appeal Brief, Appellants respectfully request that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,


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